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DATE FILED: 11/30/2020

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVID M. KIRK,

Plaintiff,

-against-

**CITIGROUP GLOBAL MARKETS
HOLDINGS INC.,**

Defendant.

20-CV-07619 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of the parties' recent letters, including the pre-motion conference letters in connection with Defendant's motion to dismiss, ECF Nos. 12-13; pre-motion conference letters in connection with Plaintiff's motion to transfer venue and motion for summary judgment, ECF Nos. 15-16, 19; along with Plaintiff's purported motion for summary judgment and motion for sanctions. ECF Nos. 13-14, 17-18.

Upon review of the submissions, the Court hereby **ORDERS**:

- Plaintiff's request for a pre-motion conference in connection with a motion to transfer venue and motion for summary judgment are **DENIED** as pre-mature. The Court must first determine whether the Court has subject matter jurisdiction over the instant action before reaching either of these motions. Consequently, Plaintiff's motion for summary judgment is also **DENIED**.
- Plaintiff's motion for sanctions is **DENIED**.
- Plaintiff is **directed to file an amended complaint** to add the new allegations included in Plaintiff's letters, ECF Nos. 13, 19, to the extent they are not already in the Complaint, by no later than **December 30, 2020**.
- Defendant's request for a pre-motion conference is **DENIED**. Defendant is **GRANTED** permission to file a motion to dismiss the Amended Complaint pursuant to the below schedule.

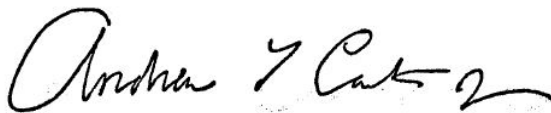
Defendant's Motion: January 20, 2021

Plaintiff's Opposition: February 3, 2021

Defendant's Reply (if any): February 10, 2021

SO ORDERED.

Dated: November 30, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge